

REMARKS

Applicant respectfully request consideration of the following response to Office action, and reconsideration of the application in light of the response.

THE OFFICE ACTION**I. Rejection under 35 U.S.C. § 112, second paragraph**

Claim 29 stands rejected under 35 U.S.C. § 112, 2nd paragraph, alleged to be indefinite due to inconsistency with the disclosure. The Applicant respectfully traverses this rejection.

Claim 29 is dependent on the vascular prosthesis of Claim 27, characterized in that the internal annular member (10) lies on an outer wall of the tubular body (40) via a suitable glue connection. In making the above rejection, the Office refers to page 19, lines 10-12 of the specification for support that the internal annular member (10) "lies against an inner wall of the prosthesis 40". Applicant respectfully points to page 23, lines 4-13 of the specification, which describes a second embodiment of the suturing means and prosthesis, where the internal annular member (10) lies on an outer wall of vascular prosthesis (40), and is fixed thereon via a glue connection. Thus, Claim 29 is definite and particularly points out and distinctly claims subject matter fully supported by the specification.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection under 35 U.S.C. § 112, 2nd paragraph.

II. Rejection under 35 U.S.C. § 102(b)

Claims 27-29 stand rejected under 35 U.S.C. § 102(b), alleged to be anticipated by the disclosure of US Patent 5,330,490 to Wilk, et al. ("Wilk"). Specifically, Wilk is alleged to disclose a vascular prosthesis comprising a flexible tubular body, characterized in that the tubular body is provided on at least the first end with an internal annular member that is firmly connected to an end of the prosthesis, and defines a sealing surface. The Applicant respectfully traverses the rejection.

According to the MPEP, "(a) claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (citing *Verdegaal Bros v. Union Oil Co. of California*, 814 F.2d 628, 631). MPEP §

2131.

Wilk neither teaches nor suggests the claimed invention. Specifically, Wilk does not teach or suggest a flexible tubular body that is "provided on at least the first end with the internal annular member (10) of the suturing means as claimed in claim 1," as recited in claim 27. The Applicant emphasizes that claims 27-29 ultimately depend from claim 1, which the Examiner indicated is allowable. Because claim 1 is allowed, Applicant presumes that the Examiner does not allege the suturing means recited in claim 1 to be anticipated by Wilk. Therefore, claims 27-29, which depend from claim 1, are not anticipated by Wilk.

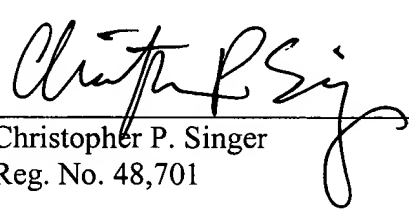
Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection under 35 U.S.C. § 102(b).

III. Conclusion

In light of the above response and remarks, Applicant believes that all the pending claims are now in condition for allowance. Should the Examiner have any questions regarding this response, or believe that a telephonic interview would help to expedite prosecution of this application, he is invited to contact the undersigned at (312) 913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

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Christopher P. Singer
Reg. No. 48,701